

REMARKS

Applicants have amended claims 7 and 13, cancelled claim 8 and added new claim 14. Claims 9-12 have been cancelled to prosecute the claims in a divisional application.

Claims 7, 8 and 13 have been rejected under 35 USC 112, second paragraph, as indefinite. Applicants respectfully traverse this rejection.

The Examiner contends that the expression in claim 7 that a linear motor comprises at least one stationary member mounted on the platen and a moving member mounted on the unit base is indefinite because both the moving member and the component feeding unit, which is also recited in the claim, are mounted on the unit base and the claim does not specify how the two components are mounted on the unit base to prevent them from interfering each other. See, page 3 of the Action. In other words, the Examiner finds a possible structural or functional interference between the two claimed components of the feeding apparatus and renders the claim indefinite because the claim does not provide a solution to the problem he has created. Applicants respectfully disagree.

First, “the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 USC 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent.” MPEP 2173.02. Based only on the claim language, persons skilled in the art would understand that the moving member and the component feeding unit must be mounted on the unit base not to interfere each other structurally or functionally for the apparatus to operate properly, when they read the claims. Thus persons skilled in the art would clearly understand what constitutes an infringement.

Second, “the test for definiteness under 35 USC 112, second paragraph, is whether those skilled in the art would understand what is claimed when the claim is read in light of the specification.” MPEP 2173.02. The specification provides examples of the configuration in which both the moving member and the component feeding unit are mounted on the unit base without any interference between them. For example, see FIG. 3A of the application.

Component feeding unit 13 is mounted on the top face of unit base 12, and moving member 48 is mounted on the lower side surface of the unit base 12 without any interference from the component feeding unit 13. Thus, even if a person skilled in the art had problem in solving the alleged interference between the two components, he would understand how he should overcome this problem by reading the specification and, if necessary, modifying the teachings of the specification within claim scope and thus understand what is claimed by applicants.

The lack of structural relationship between the moving member and the component feeding unit implied by the Examiner does not go to whether claims are unclear but rather to the scope of the claims. Applicants chose to secure broader claim scope by not reciting structural details of the claimed feeding apparatus. Thus, the rejection of claims 7 and 13 under 35 USC 112, second paragraph, should be withdrawn. The indefiniteness rejection of claim 8 is moot in light of the cancellation of claim 8.

Claims 7, 8 and 13 have been rejected under 35 USC 102(b) as anticipated by Japanese Patent Application Publication No. 61-239696 (Itagaki). Applicants had Itagaki translated in its entirety and attach the translation to this amendment so that the Examiner may appreciate Itagaki fully without any confusion.

Claims 7 as amended recites a plurality of heat dissipation fins formed on the unit base for dissipating heat in the moving member. The Examiner contends that Itagaki's linear scale head 23 corresponds to the claimed heat dissipation fins. Applicants respectfully disagree. The linear scale head 23 is part of a detection system which detects the position of feeding table 15 along body base 11. Thus, the linear scale head 23 is positioned to face high-resolution linear scale 21 for the linear scale measurement. See, for example, page 7, lines 9-19, of the translation. Applicants point out that the linear scale head 25 placed close enough to the linear scale 21 for the linear scale measurement does not operate to dissipate heat in the moving member as claimed because the linear scale head 23 is adjacent the body base 11 that is in contact with the feeding table 15, from which the heat must be dissipated.

Solely to help the Examiner to understand the claimed invention, applicants have amended claim 7 to recite a plurality of heat dissipation fins. This amendment finds support, for example, at page 6, lines 14-21, of the specification and FIG. 3A of this application. Because only one linear scale head must face a linear scale to form a position detecting system, Itagaki does not teach or suggest that a plurality of linear scale heads, which the Examiner equates to the claimed heat dissipation fins, are formed on the feeding table 15, which the Examiner seems to equate to the claimed unit base.

Because Itagaki does not teach or suggest the claimed plurality of heat dissipation fins, the rejection of claims 7 and 13 under 35 USC 102(b) on Itagaki should be withdrawn. The anticipation rejection of 8 is moot in light of the cancellation of claim 8.

New claim 14 states that the heat dissipation fins are disposed on a sidewall of the unit base so as to be perpendicular to the sidewall. This claim finds support, for example, at page 6, lines 14-21, of the specification and FIG. 3A of this application. Making the heat dissipation fins perpendicular to the side surface of the unit base on which they stand provides efficient heat dissipation.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

Deposit Account No. 03-1952, referencing Docket No. 492322002100.

Respectfully submitted,

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